

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

PHILLIP GARCIA,

Plaintiff,

vs.

No. CIV 08-95 BB/LFG

SANDOVAL COUNTY  
DETENTION CENTER, et al.,

Defendants.

**MAGISTRATE JUDGE'S ANALYSIS  
AND RECOMMENDED DISPOSITION<sup>1</sup>**

THIS MATTER comes before the Court on the Order to Show Cause [Doc. 10], filed herein on June 20, 2008. *Pro se* Plaintiff Phillip Garcia ("Garcia") filed suit in New Mexico state district court on December 13 2007. The lawsuit was removed to this Court on January 28, 2008 [Doc. 1], and on that same date, Defendants filed a Motion to Dismiss [Doc. 3].

Garcia did not respond to the Motion to Dismiss and has not otherwise contacted this Court with respect to this litigation. Thus, on June 20, 2008, the Court entered an Order to Show Cause, noting that Garcia has taken no further steps to prosecute this action and has not kept the Court apprised of his current whereabouts. Garcia was directed to show cause within fifteen days why his complaint should not be dismissed for failure to prosecute. Garcia has not responded to the Order

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<sup>1</sup> Within ten (10) days after a party is served with a copy of this legal analysis and recommendations, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such analysis and recommendations. A party must file any objections with the Clerk of the U.S. District Court within the ten-day period allowed if that party wants to have appellate review of the analysis and recommendations. If no objections are filed, no appellate review will be allowed.

to Show Cause, and the time for doing so has expired.

The Court finds that Garcia failed to comply with the Court's Local Rules requiring that all attorneys and *pro se* litigants keep the Clerk advised of any changes in their mailing addresses and other contact information. D.N.M.LR-Civ. 83.6. Garcia failed to respond to Defendants' Motion to Dismiss and did not respond to the Court's Order to Show Cause. Garcia was notified in the Order to Show Cause that his failure to respond could result in dismissal of his complaint.

**Recommended Disposition**

That this case be dismissed without prejudice for failure to prosecute.

  
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Lorenzo F. Garcia  
Chief United States Magistrate Judge